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### COPY OF PAPERS ORIGINALLY FILED

MPA

PATENT

I HEREBY, CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 2023 LON THE DATE INDICATED BELOW.

BY: Journa often

DATE: Upril 15, 2002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re : Patent Application of

: Attn: Box Missing Parts

: Sean A. McCarthy et al.

:

Conf. No.: : 5729

:

Appln. No. :

: 10/042,431

: October 25, 2001

Attorney Docket No. 10147-6U2

:

For

Filed

: NOVEL GENES ENCODING PROTEINS

(MBIO1999-030CP2)

: HAVING DIAGNOSTIC, PREVENTIVE, : THERAPEUTIC AND OTHER USES

# TRANSMITTAL OF MISSING PARTS OF APPLICATION - FILING DATE GRANTED

In response to the Notice to File Missing Parts dated February 14, 2002, we submit herewith the following:

[X]	Copy of the Notice to File Missing Parts of Application Filing Date Granted,						
	mailed February 14, 2002.						
[]	No Notice to File Missing Parts has been received.						
[X]	Executed Declaration and Power of Attorney.						
[]	Verified English translation of application as filed.						
	Priority document(s): Certified copy(ies) of patent application No(s),						
	filed in on from which priority is claimed under 35 U.S.C. § 119.						
[]	Formal drawings: sheets						
[]	Information Disclosure Statement, PTO-1449, and cited references.						
[]	Preliminary Amendment.						
	Nucleotide and/or Amino Acid Sequence Submission, including:						
	[ ] Computer readable copy [ ] Paper Copy [ ] Verified Statement						
	Petition for Extension of Time along with requisite fee.						
	Request for Refund.						
	Request for Corrected Filing Receipt. Attached is a marked-up copy of the Filing Receipt showing corrections.						

Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as [ ] an Independent Inventor, or [ ] a Small Business Concern, or [ ] a Non-Profit Organization.

21. (20) ESTE 50	Sex endings		SMALL ENT	TTY		LARGE ENT	ITY
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE: \$370.			BASIC FEE: \$740	
Total	-20 =		X9	\$	OR	X18	\$
Independent	- 3=		X42	\$	OR /	X84	\$
Multiple Dependent Claims Present		\$140	\$	OR .	\$280	\$	
			TOTAL	\$	OR	TOTAL	\$

[X]	The following fees noted below are being paid.	
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[ ]

Other:

- Surcharge of \$130 for late filing of filing fee and/or Declaration and Power of [ X] Attorney.
- Surcharge of \$130 for late filing of English translation. [ ]
- Extension of Time fee in the amount of \$\_\_\_.00 (Petition for Extension of Time is attached).
- Filing Fee in the amount of \$\_\_\_.00 calculated above.
- Enclosed is our firm's check in the amount of \$130.00 for the above fee(s). [X]
- The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (Billing No. 210147.0082) as noted below. A duplicate copy of this sheet is enclosed.
  - The above-calculated fee(s) calculated totaling \$\_\_\_\_.00.
  - Any overpayments or deficiencies in the above-calculated fee(s). [X]
  - Any additional fees required under 37 C.F.R. § 1.16 or § 1.17. [X]
  - In the event that a Petition for Extension of Time is required during the X prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

Respectfully submitted,

SEAN A.	McCARTHY ET AL	
$\Omega$	McCARITHY ET AL	

(Date)

By: My D. COLBY, Ph.D., J.D.

Registration No. 40,961

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

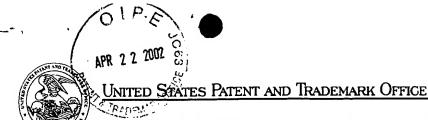
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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/042,431

10/25/2001

Sean A. McCarthy

10147-6U2

000570 AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

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**CONFIRMATION NO. 5729 FORMALITIES LETTER** 

OC000000007474127\*

Date Mailed: 02/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/23/2002 HVUDNG1 00000006 10042431

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